

Addendum B

Addendum B: IBM's Objections to SCO's Alleged Evidence

Subject Matter of Evidence	Illustrative Exhibit(s)	Objection(s)
Testimony regarding the alleged statements that Darl McBride contends Karen Smith made to him at LinuxWorld 2003. (SCO Interference Br. App. A ¶¶ 6, 48, 49, 51, 53, 62.)	SCO Ex. 165.	Hearsay.
Testimony regarding the alleged statements that Darl McBride contends Larry Goldfarb made to him. (SCO Interference Br. App. A ¶¶ 46, 47, 48.)	SCO Ex. 165.	Hearsay.
Testimony by Darl McBride, Chris Sontag, Ryan Tibbets and Erik Hughes that IBM induced Novell to assert rights under the APA that it did not possess, to the detriment of SCO. (SCO Interference Br. App. A ¶¶ 59, 61; SCO Interference Br. ¶¶ 65-74, 81-83.)	SCO Ex. 9; SCO Ex. 165; SCO Ex. 319; SCO Ex. 324.	Hearsay; No foundation or personal knowledge.
Statements that Oracle and Intel "did not react negatively" to the SCOSource plan. (SCO Interference Br. App. A ¶ 50.)	SCO Ex. 9.	No foundation or personal knowledge.
Statement that Novell's reason for purchasing SuSE "flowed from the Chicago Seven meeting" and other statements about the Chicago Seven meeting. (SCO Interference Br. App. A ¶¶ 52, 61; SCO Br. ¶ 29.)	SCO Ex. 256.	Hearsay; No foundation or personal knowledge.